

UNITED STATES OF AMERICA
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO. 07-175
VERSUS	*	SECTION "K"
DEVON WILSON	*	
	*	*

FACTUAL BASIS

Should this matter proceed to trial, the United States would prove the defendant, DEVON WILSON's, guilt to Counts One and Four of the Indictment beyond a reasonable doubt, through the following credible testimony and reliable evidence:

New Orleans Police Department Officers Matthew Moore and Melvin Williams would testify that on or about the week of April 16, 2007, they established surveillance on the defendant, DEVON WILSON's, residence after receiving information from a Confidential Source (CS) that a black male known to the CS as "Oreo," and described as approximately 6'02," 185 pounds, between 30 and 35 years old with a thin build and a shaved head, was distributing quantities of cocaine base and marijuana out of his residence at 1412 Magnolia Street, New Orleans, Louisiana.

The officers would testify that on or about April 18, 2007, they observed several unidentified

persons making contact with an individual meeting the CS's description, later identified as the defendant, DEVON WILSON, in front of 1412 Magnolia. During these interactions, the officers observed the defendant, DEVON WILSON, exiting the residence and making what appeared to be hand-to-hand drug transactions with said individuals.

On or about April 20, 2007, the officers arranged for the CS to make a controlled purchase of \$20 worth of cocaine base from the defendant, DEVON WILSON, outside of the residence at 1412 Magnolia. The officers would testify that they drove the CS to the vicinity of the 1400 block of Magnolia Street and observed the CS walk to 1412 Magnolia Street, and make contact with the defendant, DEVON WILSON, in front of his house. Officers observed what they believed to be a hand-to-hand transaction between the CS and the defendant, DEVON WILSON. Following the transaction, the officers met with the CS who provided them with one off-white, rock like substance which tested positive for cocaine base.

Following the controlled purchase from the defendant, DEVON WILSON, the officers would testify that they re-established surveillance in the vicinity of 1412 Magnolia Street. During this surveillance, the officers observed the defendant, DEVON WILSON, make several hand-to-hand drug transactions near the corner of Magnolia Street and Martin Luther King Boulevard. After observing these hand-to-hand transactions, the officers approached the defendant, DEVON WILSON, advised him of his constitutional rights per Miranda and informed him that he was the target of an ongoing drug trafficking investigation. The defendant, DEVON WILSON, informed the officers he lived at 1412 Magnolia Street and that his residence was currently unoccupied. The officers would testify and documents would be produced to show that the officers then applied for and obtained a search warrant for the residence from a Louisiana state magistrate judge.

The officers would testify and evidence would be produced to show that during the search of the defendant, DEVON WILSON's, residence a white, rock-like substance that later tested positive for cocaine base was found in plain view on the top of a glass table located in the front room (living room). Lab results would be offered to show that the cocaine base weighed approximately 6.3 grams. The search also yielded a plastic "Arioso" water bottle which was located directly next to cocaine base on the table. The water bottle was equipped with a false compartment that contained a white, powdery substance that later tested positive for cocaine base and weighed approximately .06 grams.

A canine was brought to the residence and alerted to the exterior of a clothes dryer located in the back room of the residence. Officers would testify that when it was opened, it contained the following: two white plastic Wal-Mart bags containing controlled substances including one foil of a substance that later tested positive for heroin, a leafy substance that later tested positive for marijuana, and one clear plastic bag of what later tested positive for cocaine base and weighed 121.4 grams. The search also yielded other evidence of drug trafficking which the officers seized including: a shoe box containing \$608 U.S. Currency in various denominations on the floor in the second room (bedroom); two "Cobra" 2-way radios in the second room (bedroom), on top of a dresser; three digital scales in the second room (bedroom); a payment notice in the name of the defendant, DEVON WILSON, inside the residence; the defendant, DEVON WILSON's, Louisiana driver's license, (#008460162), listing the 1412 Magnolia Street residence as the defendant, DEVON WILSON's, address; a loaded Bersa SA .380 caliber, semi-automatic handgun (serial #757460) in the front room (living room), on a computer box, and a loaded Smith and Wesson .357 revolver (serial #CHL6900) in the second room (bedroom), on top of a television. All the evidence

seized would be produced at trial. At trial an agent with the Bureau of Alcohol, Tobacco, and Firearms, and Explosives would testify that the firearms found at the residence had traveled in interstate commerce. Court documents would be produced to prove the defendant, DEVON WILSON, was previously convicted of Possession with Intent to Distribute under LA R.S. 40:967(B)(1) and Distribution of Marijuana under LA R.S. 40:966(A)(2) in Orleans Parish, in Louisiana state court on February 24, 1994.

A search of the defendant, DEVON WILSON's, person yielded \$207 in the following denominations: three \$20 bills, eight \$10 bills, nine \$5 bills, and twenty-two \$1 bills. The officers would testify that small denominations such as were found on the defendant, DEVON WILSON, are consistent with drug trafficking. The defendant, DEVON WILSON, was also found to be in possession of two house keys to 1412 Magnolia Street. The house keys would be produced at trial.

Drug Enforcement Administration Special Agent Michael Greaves would testify that following the search, the defendant, DEVON WILSON, was arrested, advised of his constitutional rights via a Miranda card (DEA-13a), and waived his right to legal counsel and voluntarily consented to be interviewed. During this interview, the defendant, DEVON WILSON, admitted purchasing the Bersa .380 semi-automatic handgun found in the residence from an individual "on the street" several weeks prior. The defendant, DEVON WILSON, also admitted that the cocaine base found

in the living room of the residence was his. He also admitted to being on parole and that he was prohibited from having access to any weapons, regardless of who purchased them

READ AND APPROVED:

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DATE

Bruce G. Whitaker ()
Counsel for Defendant

DATE

Devon Wilson
Defendant

DATE